

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 11-20031-01-JWL

Juan Manuel Cortez-Diaz,

Defendant.

MEMORANDUM & ORDER

In August 2021, this court denied defendant's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). As set forth in that memorandum and order, the court concluded that defendant's asserted reasons for a sentence reduction—his rehabilitative efforts and changes made to the penalty structure established in 21 U.S.C. § 841 that had no bearing on defendant's sentence—did not constitute extraordinary and compelling reasons for a reduction. Defendant now moves the court to reconsider (doc. 178) its decision, insisting that a sentencing disparity exists. According to defendant, other defendants in other cases with prior convictions are no longer subject to mandatory minimum life sentences yet he received a life sentence despite the fact that he had no prior convictions. This argument is rejected. To reiterate, no mandatory minimum sentence had any bearing on defendant's sentence. While it is true that defendant had no prior convictions, his life sentence was the result of the weight and purity of the methamphetamine at issue in this case, which resulted in a base offense level of 38, along with significant enhancements based on defendant's role in the offense (an increase of 4 levels), defendant's knowledge that the methamphetamine was imported from Mexico (an increase of 2

levels), and defendant's maintenance of a premises for the purpose of distributing methamphetamine (an increase of 2 levels). Defendant, then, has not shown any sentencing disparity between him and any similarly situated individual. The motion is denied.

IT IS THEREFORE ORDERED BY THE COURT THAT defendant's motion to reconsider (doc. 178) is denied.

IT IS SO ORDERED.

Dated this 3rd day of November, 2021, at Kansas City, Kansas.

s/ John W. Lungstrum _____
John W. Lungstrum
United States District Judge